

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
CRIMINAL MINUTES**

Phoenix Division

CR 15 / 00707 / 1 PHX SRB DATE: 1-24-17
Year Case No. Dft #

U.S. DISTRICT JUDGE: SUSAN R. BOLTON

USA v. Kareem, Abdul Malik Abdul
 Last Name First Name Middle Initial

DEFENDANT: X Present Not Present _ Released X Custody ___ Writ

Deputy Clerk: Maureen Williams Court Reporter Liz Lemke

U.S Attorney: Joseph Koehler and Kristen Brook with case agent Stewart Whitson

Defense counsel: Daniel Maynard
 ___ AFPD X Appointed ___ Retained

Interpreter:___ Language:___

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PROCEEDINGS: X Open Court ___ SEALED

This is the time set for Sentencing. Defendant's objections to the presentence investigation report are argued to the Court. Government's counsel advises the Court that the Government concedes the hate crime enhancement does not apply. The Court rules as follows: sustaining objection to victim related adjustment pursuant to U.S.S.G. §3A1.1(a); overruling objection requesting an adjustment for acceptance of responsibility; overruling objection regarding the 2 level role adjustment pursuant to §3B1.5(1). Regarding the objection to the base offense level calculation, the Court finds the base offense level is 38 because the cross reference applied under U.S.S.G. §2M5.3 is U.S.S.G. §2A1.2 (Second Degree Murder) rather than U.S.S.G. §2A1.1 (First Degree Murder). Regarding the 12 level adjustment pursuant to §3A1.4(a), the Court directs counsel to file simultaneous memoranda no later than **5:00 p.m. February 2, 2017**, concerning its applicability after considering the statutory definition of the term "federal crime of terrorism" in 18 U.S.C. §2332b(g)(5). IT IS FURTHER ORDERED continuing Sentencing from this date to **February 8, 2017, at 10:00 a.m.**

Defendant's pro se Motions to Dismiss Counsel are discussed. Defendant advises the Court he wishes to withdraw the motions and have Mr. Maynard represent him through sentencing.

Hearing held 1:29 p.m. to 2:35 p.m.